



February 29, 2016

Rebecca Fertig Cohen
Chief of Staff
Legal Services Corporation
3333 K Street NW
Washington, DC 20007

Re: 2012-2016 Strategic Plan Goals

Dear Ms. Fertig Cohen,

The National Center for Lesbian Rights (NCLR) writes to express our support of and offer recommendations for updating the current LSC Strategic Plan 2012-2016. NCLR is an organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender (LGBT) people and their families through litigation, legislation, policy, and public education. As part of LSC's strategic plan's crucial first goal to "maximize the availability, quality, and effectiveness of legal services," we strongly urge the LSC Board of Directors to add an initiative to develop and implement cultural competency standards for its grantee programs.

In order to ensure that LSC's grantees are truly providing the highest quality and most effective legal aid, LSC must consider the specific needs of marginalized communities that its grantees serve. These communities include but are not limited to LGBT and gender nonconforming¹ individuals, people of color, non-English speakers, Native Americans, and people with disabilities. While NCLR will focus on LGBT cultural competency in these comments,² we encourage the LSC Board to make broad cultural competency standards a priority in its revised LSC strategic plan, and when developing and implementing these standards, seek guidance from relevant legal advocacy groups that serve affected communities as well as LSC grantees and their clients.

Through our own work and work done in partnership with legal service organizations, NCLR is keenly aware of the particular needs of low-income LGBT people accessing civil legal services.³ LGBT people – and in particular, lesbian and bisexual women, people of color, and transgender people – are disproportionately vulnerable to poverty.⁴ Several LSC grantees – including Legal Services of New

¹ While NCLR generally uses LGBT, in many contexts LGBT can also include gender nonconforming (GNC) individuals, or people who do not meet societal expectations of gender. The Legal Aid Society of New York has found that a lot of their training and troubleshooting are for clients and colleagues who are GNC. Sometimes also included in the LGBT acronym is intersex (I). Intersex people are those born with a reproductive or sexual anatomy that does not seem to fit the typical definitions of female or male.

² We acknowledge that the LGBT community is not monolithic. LGBT people are also people of color, persons with disabilities, immigrants, religious, and more.

³ NCLR currently serves over 1,500 LGBT individuals each year who are low-income and are seeking help with civil and immigration legal matters.

⁴ Twenty-one percent of LGBT people living alone have annual incomes of less than \$12,000 compared to sixteen percent of non-LGBT people living alone. M.V. Lee Badgett, Laura E. Durso, & Alyssa Schneebaum, *New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community*, The Williams Inst., 2 (June 2013), <http://williamsinstitute.law.ucla.edu/wp-content/uploads/LGB-Poverty-Update-Jun-2013.pdf>. Transgender people are four times more likely than the general population to have a household income of less than \$10,000 per year.

York City (LSNYC) and California Rural Legal Aid (CRLA)⁵ – have developed LGBT-specific programs in order to address the needs of their low-income LGBT clients.⁶ In an article jointly written by NCLR and CRLA, we elaborate on many of the legal difficulties faced specifically by LGBT people, including obtaining familial and partner public benefits, Medicaid and Medicare coverage for transgender related care, employment discrimination, housing discrimination, and discrimination in healthcare.⁷ In LSNYC’s recent report on the legal needs of low-income LGBT people, the organization states, “Low-income LGBT people are in desperate need of civil legal services—a need made more acute by devastating levels of discrimination, harassment, and violence.”⁸ As part of its recommendations for confronting this issue, LSNYC emphasized the need for legal aid programs to develop culturally competent and relevant services for LGBT people.

In response to the growing interest amongst legal aid providers in increasing LGBT-related legal services, NCLR has developed a partnership with CRLA to create and provide trainings for legal aid programs (many of which are LSC-funded programs) on LGBT cultural competency. Together, our two organizations have provided numerous trainings for programs in states including California, Massachusetts, Ohio, Tennessee, Texas, and Georgia, as well as at national conferences attended by programs across the country. In our trainings, we stress the need for legal aid providers to reach out to the LGBT community, become knowledgeable about the unique issues faced by LGBT people, and stay on top of the rapidly changing laws affecting LGBT people.⁹ Cultural competency is vital for ensuring quality legal services, because it fosters an affirming environment and builds trust and open communication between the legal provider and their LGBT clients.¹⁰ Otherwise, legal aid providers may push away LGBT individuals from obtaining needed services and contribute to ongoing anti-LGBT discrimination and harassment.

Some policy solutions that LSC may implement in order to begin improving LGBT cultural competency throughout its grantee programs include:

- Expanding its nondiscrimination policy¹¹ for grantees to include gender identity;¹²
- Collecting data on sexual orientation and gender identity;¹³

Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, & Mara Keisling. *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey*. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 51 (2011), http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf.

⁵ For more information on CRLA’s LGBT Program visit

<http://www.crla.org/sites/all/files/content/uploads/Resources/CRLA-FastFact-LGBT-v5x.pdf>.

⁶ Other LSC grantees with LGBT-focused projects or teams include Bay Area Legal Aid, Texas RioGrande Legal Aid, and Georgia Legal Services Program.

⁷ Lisa J. Cisneros & Catherine Sakimura, *Recognizing and Responding to the Needs of Low-Income Lesbian, Gay, Bisexual, and Transgender Clients*, Clearinghouse Review: Journal of Poverty Law and Policy 515 (March-April 2010), available at <http://drupaldev.povertylaw.org/sites/default/files/files/webinars/lgbt-seniors/cisneros.pdf>.

⁸ *Poverty is an LGBT Issue: An Assessment of the Legal Needs of Low-Income LGBT People*, http://www.legalservicesnyc.org/storage/PDFs/lgbt_report.pdf.

⁹ See *supra*, note 7 at 519-521.

¹⁰ *Id.* at 519-520.

¹¹ We applaud LSC’s inclusion of *sexual orientation* under its 2016 Grant Assurances. *LSC Grant Assurances for Calendar Year 2016 Funding*, <http://www.lsc.gov/sites/default/files/attach/2015/08/GrantAssurances-2016.pdf>. LSC should continue to include *sexual orientation* in future grant assurances as well as adding nondiscrimination protections based on *gender identity*.

¹² *Gender identity* refers to a person’s internal, deeply felt sense of being male or female (or both or neither). *Sexual orientation* is a person’s emotional and physical attraction to other people based on the gender of the other person. One may identify one’s sexual orientation as heterosexual, lesbian, gay, bisexual, asexual, or pansexual.

- Adding LGBT cultural competency as an indicator in its Performance Criteria manual;
- Replicating other federal agencies' practice of establishing a diversity working group/taskforce¹⁴ within LSC that is inclusive of LGBT people;
- Supporting current and future work related to serving LGBT legal aid clients;
- Developing and implementing curricula¹⁵ and webinars on LGBT competency; and
- Collaborating with national advocacy organizations, LSC-funded grantees and their LGBT clients on issues of culturally competent legal services

As a leader in the field of civil legal aid, we hope LSC will use its voice to advocate for culturally-competent and relevant legal services for LGBT people and other underserved populations. NCLR believes that adding cultural competency as an initiative under goal one of LSC's strategic plan would be an important first step to ensuring that all low-income Americans are effectively served by LSC-funded legal aid providers. We thank the LSC Board of Directors for the opportunity to comment on LSC's current strategic plan goals in order to inform the Board's development of LSC's Strategic Plan 2017-2020, and we thank the Board and LSC for their service to the millions of low-income American accessing civil legal aid services each year.

Sincerely,
National Center for Lesbian Rights

Please direct any follow up to Tyrone Hanley, Policy Counsel at THanley@nclrights.org.

¹³ Prior to requiring grantees submit data on sexual orientation and gender identity, it is vital that grantees are prohibited from discriminating based on a person's sexual orientation and gender identity and have undergone LGBT competency training.

¹⁴ The Department of Justice LGBTI Working Group is one example. This body of attorneys from all of the Civil Rights Division's sections and members of the Division leadership advises the Division "on legal and policy issues relating to discrimination based on sexual orientation, gender identity, intersex status, and HIV/AIDS status." To learn more about the working group visit <http://www.justice.gov/crt/lgbti-working-group-0>.

¹⁵ For example, The Equity Project, a national initiative to ensure that LGBT youth in juvenile delinquency courts are treated with dignity, respect, and fairness, developed the training curriculum Toward Equity. This training curriculum provides comprehensive, interactive training lessons designed to increase competence about LGBT youth for practitioners. The training is available for download at <http://www.equityproject.org/training-type/curricula/>.